

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>IN RE:</b>	§	
	§	<b>CHAPTER 7</b>
<b>ORLY GINGER,</b>	§	
	§	<b>CASE NO. 19-10926-TMD</b>
<b>Debtor.</b>	§	

**EXHIBIT LIST AND WITNESS LIST OF SAGI GINGER,  
TPR INVESTMENT ASSOCIATES, INC., DALIA GINGER, D&K GP LLC,  
AND THE ORLY GINGER 1993 TRUST**

Sagi Genger, TPR Investment Associates, Inc., Dalia Genger, D&K GP LLC, and the Orly Genger 1993 Trust (collectively, the “Parties”), creditors and parties in interest in the above captioned Chapter 7 case, serve this Exhibit List and Witness List and respectfully designate the following potential exhibits<sup>1</sup> and witnesses for the October 31, 2019 hearing regarding the Motion to Dismiss Bankruptcy Case or, Alternatively, to Transfer Venue, and Memorandum of Law in Support [Docket No. 32]:

**Exhibits**

Exh.	Date	Description	Marked	Admitted
1	1/2/2009	Surrogate Roth Decision		
2	1/10/2011	Orly Genger Second Amended Petition		
3	9/20/2011	Arie and Orly's 2011 Complaint		
4	6/4/2012	Keenan Opinion and Order 1		
5	10/15/2012	Orly Genger Third Amended Petition		
6	1/23/2013	Third Party Complaint Before Judge Jaffe		

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<sup>1</sup> Certain exhibits marked with a “\*\*\*” are confidential pursuant to the Protective Order and have not been circulated to the parties who have not been authorized to receive same.

7	6/16/2013	2013 Settlement Agreement		
8	6/16/2013	Notes		
9	7/1/2013	Money Flow**		
10	5/15/2014	Keenan Opinion and Order 2		
11	7/24/2014	App. Div. Order and Decision to Dismiss Appeal		
12	1/5/2015	Judge Forrest 2015 Opinion and Order		
13	10/2/2016	Orly Genger American Express Account Statement		
14	10/20/2016	Second Circuit Rakoff Order, <i>Sagi Genger v. Orly Genger</i>		
15	12/2/2016	App. Div. Order on Motion to Vacate Order		
16	3/31/2017	2017 Agreement		
17	7/13/2017	Herschmann's Mortgage		
18	11/20/2017	First Amendment to Subordinated Notes		
19	11/27/2017	Orly Declaration 1		
20	1/25/2018	Herschmann NY Declaration		
21	1/25/2018	Orly Declaration 2		
22	5/16/2018	Orly Declaration 3		
23	7/27/2018	Judge Forrest 2018 Opinion and Order		
24	8/17/2018	Judgment on Motion to Dismiss		
25	8/17/2018	Judgment on Motion to Dismiss 2		
26	9/14/2018	Orly Declaration 4		
27	10/13/2018	Orly Genger 2017 Tax Returns		
28	10/16/2018	Orly's 2018 Inter Answers		
29	11/21/2018	Orly 2 Circuit Opening Brief		

30	1/8/2019	Transcript of Hearing Before Freeman		
31	3/7/2019	Orly Genger Depo		
32	3/11/2019	Orly 2 Circuit Reply Brief		
33	3/25/2019	Judge Jaffe Decision and Order		
34	4/3/2019	Excerpt from 4.3.19 Arie Genger Deposition transcript, lines 5:21-6:6		
35	4/15/2019	WDTX Order		
36	4/15/2019	Orly Genger's April 15, 2019 Extension Requests, State and Federal <sup>†</sup>		
37	4/30/2019	Letter to Kasowitz		
38	5/2/2019	Kasowitz Response to Letter		
39	6/4/2019	Kupka Accounts Report		
40	6/11/2019	Sagi 2019 Brief, <i>Dalia Genger v. Sagi Genger v. Orly Genger</i>		
41	6/11/2019	2019 Notice		
42	6/13/2019	Extension Request		
43	6/26/2019	So-Ordered Scheduling Stipulation		
44	6/28/2019	Second Circuit Broderick Order, <i>Dalia Genger v. Sagi Genger v. Orly Genger</i>		
45	7/3/2019	Notice of Bankruptcy: Orly Genger		
46	8/8/2019	Statement of Financial Affairs and Schedules		
47	9/2019	The Shalom Court of Tel		
48	9/3/2019	Service Affidavit		
49	9/5/2019	Orly Genger Address		
50	9/16/2019	Trustee Reargument		
51	10/4/2019	2009 Reargument Decision		

<sup>†</sup> To be supplemented, if applicable.

52	10/8/2019	Email From Taube_Orly out of Country		
53	10/13/2019	100 Last Lawsuits of Herschmann		
54	12/09/2019	Report Regarding Orly in Israel		
55		Orly Genger's US and Israel Passports <sup>‡</sup>		
56		1:2011cv05602 Docket		
57		1:2013cv08243 Docket		
58		1:2014cv01006 Docket		
59		1:2014cv05683 Docket		
60		1:2017cv08181 Docket		
61		1:2019mc00210 Docket		
62		1:2019cv09319 Docket		
63		1:2019cv09365 Docket		
64		1:2019mc00459 Docket		
65		100697/2008 Docket		
66		109749/2009 Docket		
67		651089/2010 Docket		
68	5/8/19	5.8.19 Letter re AmEx		
69		Judge Freeman Referral		
70		Judge Gammerman Hearing		
71		Herschmann Lawyer in Texas		
72		Federal Home Loan Mortgage Herschmann		
73		JLS Equities Herschmann		

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<sup>‡</sup> To be supplemented, if applicable.

74		US Bank National Association Herschmann		
75		NJ Property Detail		
76		Dalia Doctor letter 10.25.2019		
77		Brady v. Ross		

The Parties also incorporate any exhibits identified by any other party. Additionally, The Parties include all writings and/or documents that are necessary to explain, complete or otherwise put in context any writings and/or documents introduced by any other party. Furthermore, the Parties also include any exhibits that may be necessary for rebuttal purposes but that are not reasonably anticipated at this time.

### **WITNESSES**

1. Orly Genger;
2. Eric Herschmann;
3. Michael Bowen;
4. Any witnesses identified or called by any other party; and
5. Any witnesses necessary for rebuttal purposes that are not reasonably anticipated at this time.

The Parties reserve the right to amend or supplement this Exhibit List and/or Witness List at any time prior to the hearing in accordance with all applicable rules.

Dated: October 25, 2019

Respectfully submitted,

By: /s/ John Dellaportas  
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**COUNSEL TO  
THE ORLY GENDER 1993 TRUST**

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing instrument has been served on this 25<sup>th</sup> day of October, 2019 by electronic mail or U.S. first-class mail to the following parties requesting service:

Eric Herschmann  
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Austin, TX 78701-4582

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c/o Raymond Battaglia  
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/s/ Sabrina L. Streusand  
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